

a result of these amendments, 3 additional independent claim have been added. A check for the \$126.00 fee for the additional claims is enclosed.

Applicant respectfully requests reconsideration of the rejection of claim 3-5, 8, 10, 11, 13-16, and 18 as being under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,015,414. Claim 3, and thus claims 4, 5, and 8 depending therefrom, require "at least three magnets configured and arranged in substantially in a plane". This is not shown or even suggested in Werp. et al., U.S. Patent No. 6,015,414, which teaches six magnets in six separate planes. In Werp et al. three are more magnets simply are not arranged substantially in a plane. Furthermore, claim 5 requires that the magnets are electromagnet coils, while Werp et al. does show electromagnetic coils, Werp et al. does not show more than one coil in a plane.

With respect to claim 16, like claim 10, this claim requires "four electromagnets mounted on a support and arranged generally in a plane". As discussed above with respect to claims 3 and 10, Werp et al. does not show or suggest at least three magnets arranged substantially in the same plane, let alone for arranged substantially in a plan as required by claim 16.

Applicant has amended claim 16 to remove the requirement that the support is "generally planar" which is not necessary to patentability and unduly limits the scope of the claim.

With respect to claim 10, and claims 11, and 13-15 depending there from, these claims all require "four electromagnets arranged substantially in a plane". As discussed above with respect to claim 3, Werp et al. does not disclose or suggest at least three magnets arranged substantially in the same plane, let alone four magnets arranged in the same plane.

For at least these reasons, applicants respectfully submit that the rejection of claim 3-5, 8, 10, 11, 13-16, and 18 as being under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,015,414.

Applicant respectfully requests reconsideration of the rejection of claim 17 under 35 U.S.C. §103 as obvious from Werp et al. Claim 17 depends from claim 16, shown above to be allowable, and is allowable for at least that reason, and thus applicants respectfully submit that the rejection of claims 17 under 35 U.S.C. §103 as obvious from Werp et al. should be withdrawn.

If it would advance the prosecution of this application, the Examiner in invited to telephone the undersigned.



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## ATTACHMENT SHOWING AMENDMENTS TO CLAIMS

6. (Amended) [The system according to claim 5 wherein the magnets are electromagnetic coils, and wherein] A system for navigating a magnetic medical device within that part of a patient located within a operating region of the system, the system comprising:

at least three electromagnet coils configured and arranged substantially in a plane, but with the axis of at least one of the coils not perpendicular to the plane, such that the axes of the coils coverage, to provide a magnetic field effective within the operating region to navigate the magnetic medical device within the operating region.

Rewrite claim 7, which was objected to, as follows:

7. [The system according to claim 3 further comprising] A system for navigating a magnetic medical device within that part of a patient located within a operating region of the system, the system comprising:

at least three magnets configured and arranged in substantially in a plane to provide a magnetic field effective within the operating region to navigate the magnetic medical device within the operating region; and

an imaging system comprising an amorphous silicon imaging plate and an X-ray generating tube having a beam directed at the imaging plate, wherein at least the amorphous silicon imaging plate is within an effective magnetic field of the at least three magnetic coils.

8. The system according to claim [3] 6 further comprising a bi-planar imaging system comprising:

a C-arm, having a generally C-shaped support adapted to rotate about its central axis, and a mount for mounting the C-shaped support to pivot about two generally perpendicular axes that are perpendicular to the central axis of the C-shaped support;

first and second imaging devices mounted on the C-shaped support, each imaging device comprising an imaging beam source mounted on the C-arm and first and second image receptors mounted on arms extending generally parallel with the imaging beams, the arms extending from the C-shaped support generally adjacent the imaging beam source.

Rewrite claim 9, which was objected to, as follows:

9. (Amended) [The system according to claim 8 wherein the imaging be sources include] A system for navigating a magnetic medical device within that part of a patient located within a operating region of the system, the system comprising:

at least three magnets configured and arranged in substantially in a plane to provide a magnetic field effective within the operating region to navigate the magnetic medical device within the operating region; and

a bi-planar imaging system comprising:

a C-arm, having a generally C-shaped support adapted to rotate about its central axis, and a mount for mounting the C-shaped support to pivot about two generally perpendicular axes that are perpendicular to the central axis of the C-shaped support;

first and second imaging devices mounted on the C-shaped support, each imaging device comprising an imaging beam source including an x-ray generating [tube,] tube, mounted on the C-arm and first and second image receptors [and wherein the first and second image receptors are] comprising amorphous silicon imaging plates, mounted on arms extending generally parallel with the imaging beams, the arms extending from the C-shaped support generally adjacent the imaging beam source.

Rewrite claim 12,, which was objected to, as follows:

12. (Amended) [The system according to claim 11 wherein the four magnets are] A system for applying a magnetic field to a patient's body sufficient to magnetically navigate a magnetically responsive element in the patient's body, the system comprising:

four electromagnets arranged substantially in a generally vertical plane arranged in two rows of two.

Rewrite claim 13 as follows:

13. (Amended) The system according to claim [3] 10 wherein the magnets are arranged in a square pattern, with a magnet generally entered at each corner of the square.

Rewrite claim 16 as follows:

16. (Amended) A system for applying a magnetic field to a patient's body sufficient to magnetically navigate a magnetically responsive element in the patient's body, the system comprising:

a patient support for supporting a patient;

a magnet assembly comprising a [generally planar] support adjacent the patient support, and four electromagnets mounted on the [planar] support and arranged substantially in a plane.

19. (Amended) [The system according to claim 18 wherein] A system for applying a magnetic field to a patient's body sufficient to magnetically navigate a magnetically responsive element in the patient's body, the system comprising:

a patient support for supporting a patient comprising a bed having a head and a foot, and wherein the magnet assembly is positioned at the head of the bed;

a magnet assembly comprising a generally planar support adjacent the patient support, and four electromagnets mounted on the planar support and arranged substantially in a vertical plane the four electromagnets are arranged in two rows of two magnets.

Add new claim 20:

20. (New) The system according to claim 8 wherein the imaging be sources include x-ray generating tubs, and wherein the first and second image receptors are amorphous silicon imaging plates.